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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,277	04/15/2004	Stephen McCully	KEL01 P-132	7954
28101	7590	03/09/2006	EXAMINER	
VAN DYKE, GARDNER, LINN AND BURKHART, LLP 2851 CHARLEVOIX DRIVE, S.E. P.O. BOX 888695 GRAND RAPIDS, MI 49588-8695			SANTOS, ROBERT G	
			ART UNIT	PAPER NUMBER
			3673	

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/825,277	MCCULLY ET AL.	
	Examiner	Art Unit	
	Robert G. Santos	3673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 4/15/04, 5/10/04, 7/19/04 & on 10/29/04.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-33 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>07192004</u> . | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Claim Objections

1. Claims 7, 16, 22 and 32 are objected to because of the following informalities:
 - 1) In claim 7, line 2: The term “the” should be deleted.
 - 2) In claim 16, line 1: The phrase “and/or the” should be deleted.
 - 3) In claim 16, line 2: The term “securing means” should be deleted.
 - 4) In claim 22, line 4: The term “tent-like” should be changed to --tent-shaped--.
 - 5) In claim 32, line 2: The phrase “defined hereinbefore” should be changed to --claimed in claim 1--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. Claim 16 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The scope of the phrase “or the like” as recited in line 3 of claim 16 cannot be properly ascertained, thereby rendering the claim indefinite.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 3673

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 4, 5, 7, 8, 12-18, 20, 21, 32 and 33 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by U.S. Pat. No. 5,924,132 to Wigutow (note especially Figures 4, 5 & 10-12; column 2, lines 61-67; column 3, lines 1-33 & 39-67; and column 4, lines 1-42).

5. Claims 1-6, 8, 12, 14, 16, 22, 32 and 33 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by U.S. Pat. No. 6,216,296 to Carrasco (note especially Figures 1, 2 & 10-13; column 3, lines 11-23; column 4, lines 24-67; column 5, lines 1-4 & 61-67; column 6, lines 1-33; and column 7, lines 10-22).

6. Claims 1-7, 12-17, 20, 21 and 29-33 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by U.S. Pat. No. 4,484,362 to Asher (note especially Figures 1, 2, 5, 7 & 8; column 2, lines 23-40 & 55-68; and column 3, lines 1-25; and column 4, lines 13-39).

7. Claims 1-5, 7, 9-13, 17-20, 24, 26, 32 and 33 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by U.S. Pat. No. 3,708,810 to Merikallio (note especially Figures 1 & 2; column 1, lines 66-68 and column 2, lines 1-6 & 20-39).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Merikallio '810. Merikallio '810 teaches the use of a second surface which is brightly colored and reflective; however, Merikallio '810 does not specifically disclose conditions wherein the first surface is brightly colored, fluorescent or luminescent and/or reflective. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the apparatus of Merikallio '810 with first and second surfaces which are both brightly colored and reflective since such a modification would have been generally recognized as being within the level of ordinary skill in the art.

10. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Asher '362 in view of U.S. Pat. No. 6,393,637 to Hoffman. Asher '362 does not specifically disclose a condition wherein the sheet (1) is provided with a thermally insulating material located between the first and second surfaces. Hoffman '637 provides the basic teaching of a cover article comprising a flexible body (10) which may comprise "an insulating material [which] may be placed between two outside layers" (see Hoffman '637, column 5, lines 54-57). The skilled artisan would have found it obvious at the time the invention was made to provide the apparatus of Asher '362 with a thermally insulating material located between the first and second surfaces in order to provide enhanced user comfort.

11. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Asher '362 in view of U.S. Pat. No. 6,199,232 to Kocivar, or alternatively, Merikallio '810 in view of Kocivar

Art Unit: 3673

'232. Asher '362 and Merikallio '810 do not specifically disclose a condition wherein an external layer of a fire retardant material is provided on the second surface. Kocivar '232 provides the basic teaching of a cover apparatus comprising an external layer (60) which is fire resistant (see Kocivar '232, Figure 7 and column 6, lines 61-64). The skilled artisan would have found it obvious at the time the invention was made to provide the respective devices of Asher '362 and Merikallio '810 with an external layer of a fire retardant material provided on the second surface in order to impart an additional safety feature thereto, thereby ensuring further enhanced user comfort.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. McCully et al. '203, Coulbridge '568, Ricketts '604, Yih et al. '034, Rosane '514, Murphy '254, Sherwood et al. '031, Asher '605, Asher et al. '521, Bradford '824, Finken '692, Bosson, Jr. '911, Johnson '385, Miller '918, Southmayd '335, Stacey '899, Faulkner '245 and Terramorse '351.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert G. Santos whose telephone number is (571) 272-7048. The examiner can normally be reached on Tues-Fr and first Mondays, 10:30 a.m. to 8:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia L. Engle can be reached on (571) 272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Robert G. Santos
Primary Examiner
Art Unit 3673

R.S.
February 24, 2006